

Senza Sordino

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CHICAGO LOCKOUT ENDED

In the early morning hours of October 13, 1973, a four-week lockout of The Chicago Symphony Orchestra by The Orchestral Association ended with acceptance of a three-year contract providing for weekly wages of \$350—\$360—\$380. The unity of the union negotiating team—consisting of orchestra members Richard Greef, Donald Koss, Ray Niwa, Jerry Sabransky, Isadore Zverow, Sam Denov, Local 10-208 president Daniel Garimoni and vice-president Nick Bliss, and union attorneys Michael C. Greenfield and Lester Asher—was a major factor in overcoming an apparent strong nationwide alliance of orchestra managements.

Other contract highlights include 7½ average services per week while in Chicago and 6 services per week on tour. The non-contributing pension benefits increased from \$6,000 to \$8,000 per year at age 60 with 30 years service; a substantial portion of the \$8,000 will come from a newly established, jointly administered trust, and the remainder will be a general obligation of The Orchestral Association. The major medical limit was doubled to \$100,000. *Per diem*, extra service and overtime rates, and maternity benefits were increased. The Tour Committee, established in 1970, now has the responsibility to formulate tours and runouts jointly with management; this committee can veto any tour or runout it feels inconsistent with the standards of the C.S.O.

One of the thorniest issues was compensation for the weeks during which the orchestra was locked out. The problem was compromised by an agreement that additional concerts and rehearsals would be performed during the contract year in exchange for offsetting payments from The Association.

The Negotiations

Negotiating began in April with management proposing increased services and other regressions in working conditions. They characterized the members' demands as "frivolous and irresponsible." Almost no progress was made through August when the C.S.O. went on vacation. No salary offer was made; a pension of \$6,750 was offered. On September 17 the negotiators returned a week early from their vacations and met with management some 72 hours over the next nine days. The Orchestral Association made a salary offer of \$340—\$355—\$365 weekly. This offer was not increased until the final negotiating session.

The Lockout Weeks

Week I. On the morning of September 25, the CSO players offered to work without a contract as long as meaningful negotiations continued, the only conditions being that terms of the settlement were to be retroactive and that a strike or lockout be undertaken only with a two-week notice. At noon, while management met with their trustees, the members' negotiating team met with the full orchestra, which concurred unanimously in the negotiators' position.

At the afternoon negotiations, the management lawyer stated that the trustees had unanimously voted to lock out the orchestra and to cancel the first week of services (which included only one concert).

The next morning the entire orchestra reported to work on stage ready to play amid reporters and TV cameras. The members were

told by Orchestral Association President Stuart Ball that since there was no contract there could be no work. "What would we pay you?" he asked.

Later that week, formally attired CSO members distributed 2,000 leaflets and carried information signs at the gala opening of Chicago's Lyric Opera. The press and TV coverage was spectacular. The talk of opening night was not only of opera but of the Symphony lockout. Our message had reached a large and important segment of the Symphony's audience, including many of the Association Trustees and Governing Members.

Week II. On Monday, September 24, a Federal mediator was called in. He had no positive effect on the negotiations. On Wednesday, management cancelled weeks II and III, having made no increased salary offer.

During this week the orchestra members began playing free lockout chamber music concerts in homes and churches. These concerts raised over \$4,000 in contributions to the CSO Members Emergency Fund while winning the public's goodwill and filling the musical void created by The Orchestral Association.

Week III. This week had been cancelled in the preceding week. There was no change in the management position, but they did offer to let us work for 13 weeks if we agreed not to strike. At the Federal mediator's request, the entire orchestra was given an opportunity to vote on the Association's offer.

Week IV. On Tuesday, October 2, the management offer to return for 13 weeks was presented to the orchestra members who had already lost three weeks pay. On a secret ballot which clearly stated the management offer, the CSO members voted 101-2 to reject that offer. The members, also by secret ballot, voted 103-2 to return to work while negotiations continued, with a two-week strike-lockout notice requirement. Management declined the offer.

During an all-night session on Friday-Saturday, October 12-13, management finally broke down and began negotiating economic items in earnest. After some additional give and take, the moment of settlement was at hand.

The Future

Why the Trustees chose to lock out our orchestra, which has just enjoyed the most prestigious and successful three years in its history, is a matter of conjecture. It seemed to the players, who were collectively named "Chicagoan of the Year" in 1971, that they were last on the Association's list of priorities. We intend to establish more direct avenues of communication with our Trustees and management so that such confrontations need not reoccur.

Clearly, the orchestra's solidarity under fire contributed substantially to our achieving a fair and respectable settlement. However, we are hopeful that better understanding and goodwill on both sides will enable us to reach future agreements without resorting to the economic warfare of a strike or lockout.

Chicago Symphony Orchestra Members Committee

Donald A. Kess, Chairman
Chicago Symphony Orchestra
Members Committee

DENVER LOCKED OUT

SIGN ONE-YEAR AGREEMENT

Denver Symphony was locked out September 19 to October 5, 1973. Players received a call from management on the evening of the 18th (Sept.) saying that it was their understanding that there would be no season opening until a contract had been ratified. Musicians and Union reiterated that we were willing to work and play. For the first scheduled rehearsal, musicians arrived with instruments. We had invited TV coverage to witness the lock-out, which they did. No progress in negotiations although meetings continued. Although the economic package was important, it did not assume the importance of several conditions which the musicians felt were paramount. The real struggle was over dismissal clause and termination pay. In previous contracts termination pay had been coupled with eligibility for pension, so that a man terminated could not receive termination if he would eventually be eligible for a pension. (We have an arbitration now in process over this clause.) The orchestra settled down to an all-out effort to maintain collective strength. Truly, we all worked like dogs: we collected from the public over 6,000 signatures on petitions requesting that the Denver Symphony continue playing while negotiations proceeded; we elected our Committee Chairman as our only spokesman to the media; we picketed eight hours a day in front of the Symphony office; musicians played a free concert to a turn-away crowd of people who supported our request to keep playing; we kept the Symphony phones busy by urging people to call the office to request that no more concerts be cancelled. We received AFM Strike Fund money promptly and were organizing ourselves to help those musicians who were running out of money to protect our collective strength. We were convinced that management had set up the first two or three weeks of season with the thought that these were expendable weeks (for instance, no name soloists on the series concerts) and we were determined that these negotiations would be meaningful and would end with an honorable settlement for both sides. Our Symphony had been put on the AFM national unfair list; the Union had also filed an unfair labor practice against the Denver Symphony. Our manager became so incensed at one meeting that he gave the Committee an ultimatum which he may ever regret: he said that there would be no settlement until the Union *recinded* the unfair labor practice charge with NLRB. Our lawyers jumped on him immediately. Obviously the ultimatum was ridiculous, and probably an unfair labor practice in itself. Nothing will be done, I assume, since he would probably deny the whole situation. It did, however, point up to the musicians that we were causing him grief.

A verbal okay to a package proposal was given by the orchestra the afternoon of October 5, and we went to rehearsal that very afternoon.

Briefly, our one-year contract provisions, 1973-74:
42 week season, 2-week paid vacation (formerly 40 weeks. 1 wk. pd. vacat.)

\$15.00 per week across-the-board increase.
minimum weekly salary: \$230.00

Elimination of musicians' contribution to Retirement Fund; refund of musicians past contribution, with interest. (Phil Sipser's help here, in consultation with Martin E. Segal Co. representative and our counsel, Philip Hornbein). Interesting situation, which I should like to report to next ICSOM Convention.

Full family coverage, Blue-Cross, Blue Shield, Major Medical. (Formerly Symphony paid one-half of individual coverage) This increase amounts to approximately \$9.00 per week for each musician.

This represents a hard-fought contract negotiation, but we know that we have maintained our integrity and that we will sit at the table next year with renewed strength in ourselves. We're lucky to be an I.C.S.O.M. orchestra. We found many sources of help.

Melanie Burrell,
ICSOM delegate
Denver Symphony Orchestra

LETTER TO THE EDITOR

Dear Colleagues:

I was shocked to read of David Smiley's most untimely death. My personal relationship with David began at the very inception of I.C.S.O.M. On many occasions during the early and often harrowing years David was always a completely objective, calming influence on the executive board and me in particular. For knowing David I shall always be grateful.

I wish to share with all my colleagues my grief at this most irreparable loss to I.C.S.O.M. and all its noble objectives.

My deepest sympathy goes out to David's wife Yuriko and his two sons, Dan and Mariko. David spoke to me often about his family with great love and pride.

Fraternally,

George A. Zazofsky
815 Cremona
Coral Gables, Fla. 33146

JIM WEAVER SUCCUMBS

On December 1st we received the distressing news that Jim Weaver, ICSOM's Western Area Representative, suffered a fatal heart attack in Seattle, Washington. This is the second such tragedy to be reported within a month; Dave Smiley succumbed in November.

Jim had been a member of the Seattle Symphony Orchestra since 1953. He was a member of the trumpet section. Elected to the Orchestra Committee in 1954 and served as a member for every year except one since then, being Chairman for about ten years. He was Chairman of the negotiating committee for several recent contracts and a member of the Board of Directors of the Seattle Local. We, who worked with him, knew him as a man of extreme modesty who brought sober and well thought out solutions to organizational problems. We will miss him.

Our condolence is extended to his family. He leaves his wife, Betty, who yearly accompanied Jim to ICSOM conferences, two sons and a daughter.

HONOLULU MEMBERS RATIFY THREE-YEAR PACT

In May of this year the Honolulu Symphony Musicians ratified a new three-year Master Agreement. Some eighteen amicable and productive negotiation sessions were held between October of 1972 and May 1973. An accord was reached some three months prior to the opening of the 1973-74 season.

The following benefits were obtained:

Wages: \$190 (up from \$165); \$215; \$225.

Overtime: 1/56th of musicians' weekly pay per 1/4 hour.

Severance pay: \$500 after 5 years; \$1,000 after 10 years.

Pension: 3%, 4%, 5%.

Audition procedures: audition committee of 4 musicians to screen and work with Music Director in final auditions. Audition committee will travel with Music Director to the mainland for general auditions.

Length of season: 34, 35, 36 weeks.

Section Leader scale: 1.25 times minimum weekly scale.

It is significant that In-School Demonstration Concerts now become a regular guaranteed part of all musicians' pay. In the past only about half the orchestra performed and was paid for these concerts. Those musicians who were doing ensembles in the schools in the past are guaranteed only a \$5.00 raise during the first year of this contract. We are grateful to Local 677 officials and especially President I. B. Petersen for their total and unflinching support during the course of the negotiations. We reiterate our confidence in the invaluable advice of Philip Sipser who at all times was no further from us than the nearest telephone.

William Lightfoot
Negotiation Chairman

THE NEW YORK TIMES, MONDAY, NOVEMBER 12, 1973

The Musicians of the New York Philharmonic Will Perform Tonight in Lisbon

We would rather play in New York for the friends and subscribers who have already paid for their season tickets.

We cannot. The New York Philharmonic is now on strike. Management's short-sighted, intransigent offer has left us no choice.

We will be gone 10 days on a tour which was forced upon us by economic necessity. We have been out of work for six weeks. We must therefore act as our own management, signing contracts, planning the logistics of transporting 100 musicians and their instruments, scheduling hotel and airline accommodations—when we would much prefer to do what we do best, make music!

The Philharmonic Society has already denied the public six weeks of glorious music-making by its retrogressive proposals. They are making every effort to starve us into submitting to an inferior contract. Their latest move in this direction has been to suspend all health and welfare benefits to the musicians and their families.

The Society's latest offer falls short in virtually every area and would relegate the New York Philharmonic to a position of secondary importance in the music world. An inadequate wage offer, no provision for seniority pay, and an archaic health and welfare package makes the offer clearly unacceptable. As an example, a disabled colleague, after a long and distinguished career with the orchestra, is living on a level of bare subsistence due to the absence of an effective disability insurance program.

Our ten day concert tour of Portugal and Spain is an historic undertaking. This is the first time that the Philharmonic musicians are performing in these lands. It is being hailed on the Continent as a major artistic even. The Philharmonic Society should have been proud to arrange it. Instead, they are using every conceivable means to thwart the tour by harassment and intimidation, both here and abroad.

We much prefer to perform for our own public in our own country. We prefer to be musicians rather than managers. Since we must, we have sought alternatives. We will continue to seek stages from which to perform. *We will not continue as a silent orchestra!* In our absence, we members of the New York Philharmonic have provided for the continuance of our picket lines and for further negotiations. We are leaving behind a committee of musicians who, along with our union leadership and our attorneys, are ready to negotiate on our behalf.

It is our fervent hope that upon our return, we can enter into a true "partnership of the arts" with the Society. A partnership that will return the New York Philharmonic to the people of New York to whom this great orchestra truly belongs.

THE 106 MEMBERS OF THE NEW YORK PHILHARMONIC ORCHESTRA

Members of Local 802—American Federation of Musicians

261 West 52nd Street, New York, N.Y.

Lorin Bernsohn
Chairman of Orchestra Committee

Max Arons
President of Local 802

NEW YORK PHILHARMONIC NEGOTIATIONS

At midnight, November 28th, the members of the New York Philharmonic, by a vote of 69-35, ratified their new 3-year agreement and ended a 10-week strike, one that proved unique in many ways.

Negotiations began ominously in mid-July when management's initial proposals were presented. We were told that there would be no money the first year and, perhaps, nominal increases the second year provided certain contractual economies resulting from increased productivity could be introduced. Management made it perfectly clear that being "number one" was no longer essential to them. Their proposals included the phasing out of string chair prices, an increase of eight concerts per season, and the freezing of the fringe benefit programs.

It was not until Labor Day when the Chicago Symphony players were offered \$20-15-10 that our management grudgingly produced \$10-15-10, thus establishing wage parity with Chicago, incidentally, a reduction for us since we had a \$10 edge on Chicago in the expiring contract. Our demands for parity in other money areas were firmly rejected. Between Labor Day and September 20th, the expiration of our old contract, the only management modification was the reduction of the extra concert demand from eight to four.

It was obvious at that time, and it is even more obvious in retrospect, that the Society had a game plan that included forcing a strike, if necessary, to gain their ends. Their gross insensitivity included the announcement on the same contract expiration day, September 20th, of the ten million dollar Avery Fisher gift to Lincoln Center, and earmarked for Philharmonic Hall—but not for the "broke" New York Philharmonic.

That night the orchestra voted unanimously by secret ballot to empower its union negotiators to call a strike if further talks, while playing, proved futile. On September 25th, our negotiators reported that no further movement was possible without a strike—and the strike was on.

Sensing in advance that a work stoppage was not only possible but probable, we set up the machinery necessary to run an effective strike. Committees and responsibilities were delegated. When the decision to strike came this orchestra was ready.

From the first day of the strike until the last, picket lines were maintained around the newly renamed Avery Fisher Hall from nine-thirty in the morning until after eleven at night, seven days a week. The degree of participation in this essential but basically unpleasant chore was excellent, helping to maintain morale while creating severe problems for the New York Philharmonic Society.

Perhaps the most dramatically effective committee was the Concert Committee which, within days following the strike call, organized chamber concerts within the greater New York area. On October 29th, we presented the full orchestra in a gala benefit concert in Carnegie Hall. It proved to be artistically and financially successful beyond all expectations. The Concert Committee's greatest coup, however, was the organization within two week's time of a full-fledged foreign tour.

As the strike entered its fifth week and the union negotiators reported no significant progress, the Concert Committee, under the leadership of our "resident impresario," Gabriel Banat, began to explore more ambitious undertakings. By October 28th, at the first rehearsal for the Carnegie Hall Concert, Banat was able to give a partially complete tour prospectus and the orchestra approved the plan in principle. Within days a representative of the Madrid concert agency arrived in New York and negotiations were underway for a tour that would begin in less than fourteen days.

Friday, November 2nd, saw a series of events from which many of us may never recover. While one committee was in a Park Avenue office negotiating a tour contract, a second one was one block away in Sipser's Madison Avenue office simultaneously trying to break through to an agreement with the Philharmonic So-

(Continued on page 4)

NEW YORK PHILHARMONIC NEGOTIATIONS*(Continued from page 3)*

ciety. When the meeting with the Society broke up at 6:30 p.m. in a hopeless deadlock, all the orchestra negotiators moved over to the Park Avenue office to complete the tour contract. Eighty-three that night the orchestra telephone committee went to work announcing a meeting for midnight that night.

Almost 100 members of the orchestra were at Local 802 when the orchestra and tour committees and our lawyers arrived. A report was given explaining the Society's latest offer followed by the unanimous recommendation of the negotiating committee and union to reject. At this point the orchestra members lined up to sign the tour contract and final preparations began for departure in eight days.

If you have never managed a tour it's impossible to describe the multitude of details, responsibilities and problems to be attended to. Clearly, we never would have left New York had not the entire orchestra closed ranks to overwhelm each and every obstacle to the tour's success. The tour committee—Gabriel Banat, Ranier De Intinis, Henry Nigrine—the tour manager, John Schaeffer, and the instrument baggage-master, Walter Botti, were no less than magnificent. But at least a score of other orchestra members assumed responsibilities ranging from public relations to paymaster to setting a stage when it was necessary. Nobody stood around waiting to be asked to do a job. Even griping was reduced to a minimum. Truly, the members of the orchestra rose proudly to the challenge.

Professores de la Filarmonica de Nueva York

Ninety-five musicians of the New York Philharmonic opened their Iberian tour in Lisbon, Monday, November 12, to a sold-out house. The two Lisbon concerts were followed by two concerts each in Madrid and Barcelona, and one each in the Canary Island cities of Las Palmas and Santa Cruz de Tenerife. Each of the concerts was a fantastic success in every way. The audiences and the critics were ecstatic and the orchestra displayed the highest artistic standards from the first note to the last. On November 21st, eleven days late, flushed with their triumphs and in the best of spirits, we returned to New York.

Meanwhile, back at the ranch, Committee Chairman Lorin Bernsohn and Vice-Chairman, Newton Mansfield, had been available for negotiations along with our union officials and our lawyers. By the time of our return from Europe management's "final offer" was on the table and an ultimatum had been issued. The orchestra met on Sunday the 25th and instructed the negotiators to fill in the gaps in management's incomplete "final offer." The results were presented without recommendation to the orchestra on Wednesday the 28th and the 69-35 vote ended the strike.

Our new contract calls for a three-year agreement with wage increases of \$20-10-20, across the board (\$350-\$360-\$380). It also includes, besides a vastly improved Health and Welfare program (perhaps the best in the country), a revolving string section program similar to the Chicago plan. However, in the first year of our plan, those players revolving into higher-priced chairs will receive increases up to \$15 per week when occupying those chairs. In the second year, all string players will receive no less than \$15 over scale every week—and that price raises to \$20 in the third year, at which time no string player will receive less than \$400 per week in wages. In addition, the normal retirement pension rate rises from \$240 to \$285 per year of service, with unlimited service credit. Domestic per diems will be \$34-34-36.

The above constitutes the highlights of the agreement. The negotiating committee's lack of recommendation and the large number of dissenting votes to ratification must be directly attributed to the Society's refusal to either improve the orchestra's service and working condition provisions or to compensate the orchestra

for its heavy work schedule and high cost of living in New York City.

The successful resolution of the contract and the effective and creative operation of the strike can only be explained by the unity, integrity and high spirits of the orchestra members. Our orchestra committee—Lorin Bernsohn, Chairman, Newton Mansfield, Ranier De Intinis, Gino Sambuco and Jon Deak—were first class all the way. Attorneys Rabinowitz and Sipser were, as always, the very best. Max Arons and the officials of Local 802 were superb, not only delivering money and know-how but, also, maintaining those important picket lines while we were in Europe; no ICSOM orchestra played in Avery Fisher Hall while our picket lines were there—and that was no small deed! Small orchestras, big orchestras, rich and poor orchestras—all responded with encouragement, support and financial assistance. It can truly be said that our success is everybody's success for we did not fight alone.

What of the future? Three years is not such a long time. We hope that the New York Philharmonic Society and other orchestral associations have learned something from these ten weeks. Hopefully, they now realize that playing with the lives of musicians can only lead to misery for everyone.

Ralph Mendelson
New York Philharmonic

N. J. SYMPHONY WAGES REDUCED OVER 50%

The financial escape clause found in many symphony orchestra contracts was once again used to relieve a wasteful management and an uncaring board of directors of their legal and moral responsibilities.

Under threat of cancellation of the season, New Jersey Symphony Orchestra musicians accepted a management ultimatum reducing their contractually guaranteed season and consequently their annual income from \$7,560 to \$4,830. The management, under mandate from the board of directors has reduced the operating budget to 1.1 million dollars. Of this, the sum of \$468,000 is allocated for musicians' salaries. This plan was presented to the orchestra on September 14 by Alan V. Lowenstein, President of the Board of Directors. Lowenstein demanded that a decision be made by the orchestra no later than September 18 so that the season could begin.

In addition to the proposed reduction, the management required a schedule clause which allows them to make schedule changes without notice. No non-monetary concessions were made by management to allow musicians to find additional outside employment in order to support themselves and their families.

This statement is issued with regret.

Orchestra Committee
New Jersey Symphony Orchestra

Those orchestra members who so desire, may make contributions to:

THE DAVID SMILEY MEMORIAL EDUCATION FUND
c/o Dr. Gordon Tomkins
5 Eugene St.
Mill Valley, Calif. 94941

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